

1 CHAIRPERSON JAMES: Alexis Johnson.

2 MR. JOHNSON: Chairwoman James, Commissioners, staff,
3 my name is Alexis Johnson. I'm an attorney licensed to practice
4 in New Mexico and I'm familiar with the troubles that have
5 emerged in New Mexico, Western States, the Eastern Seaboard,
6 particularly and other states as gambling has expanded and still
7 is expanding faster than the laws of the nation can analyze and
8 force or contain. I'm not here to wax on all of that. I would
9 ask five things.

10 One, is Indian gambling effectively regulated? Two,
11 are there gaps in regulation? Three, who is involved in Indian
12 casinos? Four, does the assertion of government to government
13 relations between the tribes and the states and the Federal
14 Government enhance or impede investigation of, accountability of
15 tribal casinos and for that matter their relations with other
16 casinos, domestic and international? Five, who benefits from
17 Indian gambling?

18 Well, as to the first question, is Indian gambling
19 effectively regulated? We heard a lot today. I think we can
20 summarize it, at least some of us would as with the emphasis on
21 effective and gambling and not in Indians necessarily. The short
22 answer is no, the long answer is absolutely not. The sources for
23 this conclusion include today the things we heard from the
24 Justice Department, the NIGC, the State of Arizona and others.
25 As to this question more particularly, the effective regulation
26 and the gaps, well, I would refer you very specifically to
27 comments that were made today and are in writing before you

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1 somewhere in your stacks and masses. It's from Ms Penny
2 Coleman's remarks.

3 Quote, "An important concern is the gaps in our
4 regulatory authorities of a vendor, suppliers, consultants and to
5 some extent Class III management contractors". I would urge you
6 to be clear on what that means. In blunt terms, all of those
7 words; vendors, suppliers, consultants and such, that's talking
8 about in the casino context the essence of the machines, who does
9 what to whom, who contracts for what, who brings in the lettuce,
10 who brings in the table clothes, who brings it all. They all
11 might be sweet nice people but it's not clear that anyone knows
12 who they are and it isn't clear that we're relying on any
13 particularly verifiable document from NIGC or elsewhere.

14 And I will comment briefly, Commissioner Loescher
15 asked some questions about that. Commissioner Loescher in good
16 faith asked, "Well, why don't you take it on face when the
17 Federal Government tells you that something is such and such",
18 referring to the NIGC's disclosures. The answer to that, I can
19 tell you from firsthand experience is even when you ask you won't
20 be told, even when you track it, you find they don't know, even
21 when you track it and you find they don't know, you find they've
22 returned the documents on the contractors and the folks that are
23 inside the casinos to those entities and the tribes themselves.
24 I would suspect that's marginal oversight and effective
25 regulation.

26 It also has some FOIA problems. FOIA came up today
27 by the way with Ms. Coleman. There is a huge FOIA fight inside
28 the NIGC today. Who's in there running and supplying casinos?

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1 Well, in light of what Ms. Coleman has disclosed as the gaps in
2 regulatory authority and the gaps on vendors and suppliers
3 disclosures, we might as well just be guessing about who is out
4 there. I see my time is going to come to an end. I have
5 submitted you longer comments. I would urge you to read them.
6 They're fairly short, although they're longer than what I'm
7 saying here. I think it might be interesting for you and I think
8 the experience for everyone, tribes and non-tribal people alike,
9 deserves effective regulation. Take care.

10 CHAIRPERSON JAMES: Thank you.

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